

THE QUEEN'S BENCH
WINNIPEG JUDICIAL CENTRE

BETWEEN:

CLIFFORD J. ANDERSON, KURVIS ANDERSON,
BERTHA TRAVERS, PRISCILLA ANDERSON, LILLIAN TRAVERSE,
MATHEW TRAVERSE, MELLONEY FRANCOIS, MARY STAGG and
NORMAN STAGG.

Plaintiffs

- and -

ATTORNEY GENERAL FOR CANADA and MANITOBA ASSOCIATION OF NATIVE
FIREFIGHTERS INC.

Defendants

Proceeding under
The Class Proceedings Act, C.C.S.M. c. C130

STATEMENT OF CLAIM

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CLERK OF COURT
JULY 11 2013
LEWIS COOPER
Winnipeg

Dennis Troniak, LSM #1977074

File No:

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TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Manitoba lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Queen's Bench Rules*, serve it on the Plaintiffs' LAWYER OR, WHERE THE Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it in this court office, WITHIN 20 DAYS after this Statement of Claim is served on you, if you are served in Manitoba.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is 40 days. If you are served outside Canada and the United States of America, the period is 60 days.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

IF YOU PAY THE PLAINTIFFS' CLAIM, and \$10,000.00 for costs, within the time for serving and filing your Statement of Defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiffs' claim and \$10,000.00 for costs and have the costs assessed by the court.

Date: JUL 04 2013

Issued by:


Deputy Registrar
Court of Queen's Bench
For Manitoba

TO: **Attorney General for Canada**
301 – 310 Broadway
Winnipeg, MB R3C 0S6

AND TO: **Manitoba Association of Native Firefighters Inc.**
1572 Dublin Avenue
Winnipeg, MB R3E 0L4

CLAIM

1. The Plaintiffs claim, on their own behalf and on behalf of the members of the classes of persons described in paragraph 5 of this pleading, the following:
 - a. An order certifying this action as a Class Proceeding and appointing the Plaintiffs as Representative Plaintiffs for the classes herein described and any appropriate sub-class thereof;
 - b. General non-pecuniary damages for negligence and breach of fiduciary duty in the amount of \$500 million;
 - c. Pecuniary damages for out-of-pocket expenses incurred including, but not limited to, accommodation, meals, transportation, loss of income, and related evacuation expenses;
 - d. Punitive, exemplary and/or aggravated damages in the amount of \$50,000,000.00;
 - e. Prejudgment and postjudgment interest, where applicable, pursuant to *The Court of Queen's Bench Act*, C.C.S.M., c. C280, as amended;
 - f. Their costs of this action on a lawyer and client basis; and,
 - g. Such further and other relief as may to this Honourable Court seem just.

THE PARTIES

1. The Plaintiffs, Clifford J. Anderson and Kurvis Anderson, are members of the Pinaymootang (Fairford) First Nation who resided on Reserve in the Spring of 2011 and who were forced to evacuate their homes as a result of the flooding on Reserve which is the subject of this action.

2. The Plaintiffs, Bertha Travers and Priscilla Anderson, are members of the Little Saskatchewan First Nation who were resident on Reserve in the Spring of 2011 and who were forced to evacuate their homes as a result of the flooding on Reserve which is the subject of this action.
3. The Plaintiffs, Lillian Traverse and Mathew Traverse, are members of the Lake St. Martin First Nation who resided on Reserve and who were forced to evacuate their homes as a result of the flooding on Reserve in the Spring of 2011 which is the subject of this action.
4. The Plaintiffs, Melloney Francois, Mary Stagg and Norman Stagg, are members of the Dauphin River First Nation who resided on Reserve and who were forced to evacuate their homes as a result of the flooding on Reserve in the Spring of 2011 which is the subject of this action.
5. The Plaintiffs propose that the Plaintiff classes be defined as follows:
 - a. The “**Pinaymootang (Fairford) Class**”: all members of the First Nation
 - i. whose property on Reserve, real or personal, was flooded in 2011; or,
 - ii. who were evacuated, displaced or were unable to reside on Reserve because of the flooding on Reserve in 2011; or,
 - iii. who were unable to work and thereby earn income because of the flooding on Reserve in 2011,

including the estates of any persons who have died since March 1, 2011 who meet any of the criteria in (i-iii) preceding.

b. The “**Little Saskatchewan Class**”: all members of the First Nation

- i. whose property on Reserve, real or personal, was flooded in 2011; or,
- ii. who were evacuated, displaced or were unable to reside on Reserve because of the flooding on Reserve in 2011; or,
- iii. who were unable to work and thereby earn income because of the flooding on Reserve in 2011,

including the estates of any persons who have died since March 1, 2011 who meet any of the criteria in (i-iii) preceding.

c. The “**Lake St. Martin Class**”: all members of the First Nation

- i. whose property on Reserve, real or personal, was flooded in 2011; or,
- ii. who were evacuated, displaced or were unable to reside on Reserve because of the flooding on Reserve in 2011; or,
- iii. who were unable to work and thereby earn income because of the flooding on Reserve in 2011,

including the estates of any persons who have died since March 1, 2011 who meet any of the criteria in i-iii preceding.

d. The “**Dauphin River Class**”: all members of the First Nation

- i. whose property on Reserve, real or personal, was flooded in 2011; or,
- ii. who were evacuated, displaced or were unable to reside on Reserve because of the flooding on Reserve in 2011; or,
- iii. who were unable to work and thereby earn income because of the flooding on Reserve in 2011,

including the estates of any persons who have died since March 1, 2011 who meet any of the criteria in (i-iii) preceding.

6. The Defendant, Attorney General for Canada (hereafter “Canada”), is the representative of Her Majesty the Queen in Right of Canada pursuant to Section 23(1) of the *Crown Liability and Proceedings Act*, R.S.C. 1985, Chapter C-50, as amended. Canada has executive and legislative authority in Canada with respect to Indians and Lands Reserved for Indians pursuant to Section 91(24) of the *Constitution Act, 1867*.
7. The Defendant, the Manitoba Association of Native Firefighters Inc. (hereafter “MANFF”) is a not-for-profit company incorporated pursuant to the Laws of the Province of Manitoba. MANFF contracted with and/or received funding from Canada and/or Manitoba to evacuate and thereafter provide for the accommodation and welfare of the Plaintiffs.

2011 FLOOD

8. The Shellmouth Dam controls outflows from the Lake of the Prairies on the Assiniboine River. This dam was at all material times owned, operated and controlled by the Government of Manitoba (hereinafter "Manitoba").
9. In 1971, the Portage Diversion was constructed. The purpose of the Portage Diversion is to divert water flowing in the Assiniboine River into Lake Manitoba so as to control water levels along the Assiniboine River and prevent flooding.
10. At all material times Manitoba owned, operated and controlled the Portage Diversion.
11. The Fairford River Water Control Structure is located at or near the head of the Fairford River. When open, this control structure allows water to flow from Lake Manitoba through the Fairford River to Lake St. Martin. Lake St. Martin is connected to Lake Winnipeg by the Dauphin River. The Fairford River Water Control Structure is owned, operated and controlled by Manitoba.
12. In the Spring of 2011 and subsequently Manitoba operated the Shellmouth Dam, Portage Diversion and Fairford Water Control Structure so as to cause massive amounts of water from the Assiniboine River to be diverted into Lake Manitoba, through the Fairford River into Lake St. Martin and through the Dauphin River to Lake Winnipeg. In doing so, Manitoba knowingly and recklessly caused extensive flooding to occur on each of the four First Nation Reserves. That flooding caused the evacuation, displacement and relocation of hundreds of persons from their homes on Reserve as well as damage to their personal and real property.

13. Upon being evacuated, displaced and relocated, the members of the Pinaymootang (Fairford) Class, Little Saskatchewan Class, Lake St. Martin Class and Dauphin River Class were moved at the direction of the Defendants to various off-Reserve sites including, but not limited to, hotels in Winnipeg and other areas where many of the members of the said Classes continue to reside.

BREACH OF FIDUCIARY DUTY BY CANADA

14. As a result of the flood caused by Manitoba, the Plaintiffs were particularly vulnerable and were evacuated and displaced from their homes. As a consequence of the 2011 flood, the Defendant, Canada, unilaterally undertook with the assistance of the Defendant, MANFF, to evacuate the Plaintiffs from their homes and Reserves and thereafter, to provide for their accommodation, care and welfare pending the Plaintiffs' return to their homes and Reserves.

15. Many of the Plaintiffs removed from their homes and evacuated from their Reserves are poor, elderly, minors and/or in poor health, and by virtue of their loss of homes and personal belongings were and remain vulnerable.

16. The Defendant, Canada, unilaterally undertook to provide for the housing, care and welfare of the Plaintiffs. Canada did so as a consequence of its historic role and relationship with First Nations peoples and its fiduciary responsibilities for First Nation Reserve lands.

17. The Defendant, Canada, entered into contracts and/or contribution arrangements with the Defendant, MANFF, to evacuate and thereafter provide for the accommodation and care of the Plaintiffs pending their return to their homes and Reserves.

18. The Plaintiffs state that Canada breached its fiduciary obligations owed to the Plaintiffs; in particular, Canada has failed:

- a. To provide adequate accommodations;

- b. To provide adequate and timely medical care;
- c. To assist and provide schooling for children who were unable to continue with their education at their schools on or near their Reserve;
- d. To provide appropriate and adequate recreational facilities;
- e. To provide a reasonable allowance for clothing given that most of their possessions were destroyed or contaminated through the flood;
- f. To provide transportation;
- g. To meet their dietary needs;
- h. To meet their cultural and religious needs;
- i. To properly supervise MANFF in the discharge of its responsibilities and mandate; and,
- j. To act upon complaints made with respect to the performance or lack of performance by MANFF.

NEGLIGENCE BY CANADA

19. The Defendant, Canada, was at all material times aware of the location and proximity of the First Nation Reserves to the Fairford River Water Control Structure and was aware that the release of excessive amounts of water through the Fairford River Water Control Structure into the Fairford River was likely to cause flooding to the four First Nation Reserves and to roads and highways connecting those Reserves.

20. The Plaintiffs state that the Defendant, Canada, owed a duty of care to the Plaintiffs to:

- a. Assist the Plaintiffs affected by the flood in a timely manner so as to restore their property and to allow a prompt return to their homes;

- b. To monitor and supervise the evacuation and services provided by the Defendant, MANFF; and,
- c. To inspect and oversee the provision of adequate care and accommodation for the Plaintiffs evacuated from their homes.

21. Further, the Plaintiffs state that upon taking control of the care of evacuated members of the Plaintiff Classes, the Defendant, Canada, owed a duty of care to provide for their physical, psychological and cultural/spiritual needs given their removal from their traditional lands and homes and dependence upon this Defendant.

22. The Plaintiffs state that the Defendant, Canada, was negligent and thereby breached its duty of care owed to the Plaintiffs in that Canada, its servants, employees or agents:

- a. Failed to remediate and replace damaged homes in a timely manner so as to allow the Plaintiffs to return to their Reserves;
- b. Failed to provide reasonable or adequate long term housing/accommodation for those evacuated or displaced who cannot return to their homes on Reserve;
- c. Failed to provide timely, adequate or any assistance with respect to medical care and/or schooling;
- d. Failed to provide adequate assistance for those members of the classes affected by the Flood;
- e. Failed to supervise and monitor the performance of MANFF; and,
- f. Failed to respond to, or take any or adequate investigation into, complaints made by members of the Plaintiff Class with respect to the performance or lack of performance by MANFF.

23. Further, the Plaintiff states that the Defendant, MANFF, was at all material times acting as an agent for the Defendant, Canada, and as such, Canada is responsible in law for the acts and omissions of its agent.

NEGLIGENCE BY MANFF

24. The Plaintiffs state that the Defendant, MANFF, owed a duty of care to the Plaintiffs to:

- a. Provide appropriate and adequate housing and care to the Plaintiffs following their evacuation from their homes and Reserves;
- b. Safeguard and protect the contents of the Plaintiffs' homes and personal property remaining on Reserve; and
- c. Ensure that funds provided by the Defendants, Canada and/or Manitoba, were properly expended for the benefit of the Plaintiffs.

25. The Defendant, MANFF, had no prior experience providing for the accommodation and care of such a large group of evacuees.

26. The Defendant, MANFF, had no prior experience providing for the accommodation and care of evacuees for such a protracted period of time.

27. The Plaintiffs state that the Defendant, MANFF, was negligent and thereby breached its duty of care owed to the Plaintiffs in that the Defendant, MANFF, its employees, servants or agents:

- a. Failed to properly supervise the provision of accommodation and care for the Plaintiffs following their evacuation;
- b. Failed to ensure that the Plaintiffs received adequate and appropriate accommodation and care following their evacuation;

- c. Failed to provide timely, adequate or any assistance with respect to medical care and/or schooling;
- d. Failed to provide adequate assistance for those members of the classes affected by the flood;
- e. Failed to adequately protect and safeguard the Plaintiffs' property including personal belongings remaining on Reserve;
- f. Employed or engaged staff who were not properly trained or experienced in providing for the accommodation, care and support of evacuees;
- g. Failed to provide adequate training, education and supervision for those responsible to provide accommodation, care and support of the Plaintiffs;
- h. Hired incompetent and/or inexperienced staff;
- i. Failed to respond to complaints which were made by members of the Plaintiff classes concerning the inadequate housing and care provided and mistreatment by staff engaged by MANFF;
- j. Failed to have in place practises and policies which would have ensured that adequate housing, care and support was provided to the Plaintiffs; and,
- k. Failed to have in place practises, policies and systems to address training and to respond to complaints which were made by members of the Plaintiff class.

EXPERIENCE OF THE REPRESENTATIVE PLAINTIFFS

Clifford J. Anderson

28. The Plaintiff, Clifford J. Anderson, was evacuated from his home together with his spouse in April, 2011. He and his spouse received virtually no warning of the need to evacuate and, accordingly, they were able to take only a few of their possessions before their home was flooded.
29. The Plaintiff is a firefighter employed by the First Nation and, in order to continue to perform his duties as a firefighter and to assist his community, the Plaintiff purchased a trailer at his own expense and found alternate accommodation near and on his Reserve.
30. The Plaintiff subsequently waded through the water to retrieve more, but not all, of his personal belongings from his flooded home. The Plaintiff has stored those belongings at his own personal expense. Like many others in his community, the Plaintiff will not be able to return to and live in the home which he owned and occupied prior to the flood.
31. The Plaintiff has experienced significant anxiety, depression, anger and medical complications such as increased hypertension as a result of coping with the aftermath of the flood. He has also incurred out-of-pocket costs for housing, transportation, storage of personal property and replacement of personal property which costs are ongoing, the particulars of which will be provided well in advance of trial.

Kurvis Anderson

32. The Plaintiff, Kurvis Anderson, is a constable with the First Nation Police Force in Pinaymootang (Fairford) First Nation and a school bus driver. The Plaintiff resided with his wife and 11-year-old daughter, Kelsey, on Reserve in their family home until they were forced to evacuate in May, 2011. The Plaintiffs' home was situate on lands which had been occupied by he and his family since the 1950's and which were used, in part, for farming.

For a brief period after being evacuated, the Plaintiff lived in a hotel in Winnipeg. However, in order to fulfil his obligations as a constable and to continue to be paid, the Plaintiff purchased a trailer at his own expense which he and his family occupied for many months at a trailer park near their Reserve.

34. The trailer occupied by the Plaintiff and his family was significantly smaller than the three bedroom home which he and his family had occupied until the flood. As a result of the cramped living quarters, there was virtually no privacy in the trailer. They were unable to have visitors. The cramped quarters and the displacement from their familiar environment was difficult and emotionally upsetting.
35. The Plaintiff's home suffered significant damage in the flood and it is unlikely that the Plaintiff and his family will ever be able to return to live in their home. Although he was able to move some of his personal belongings into storage, a significant portion of his personal property was damaged or destroyed by the flood.
36. The Plaintiff felt a profound sense of loss at having to leave his home. The Plaintiff had a special connection to his home and the lands upon which his home was situate which were substantially damaged by the flood waters and contaminants which were deposited upon the land by those flood waters.
37. The Plaintiff was fortunate to be able to move into a new home recently. The new home is not nearly as nice as the home which they lost and the lands upon which it is located are significantly smaller than the property on which he grew up and lived before the flood.
38. The Plaintiff has suffered significant anxiety and depression as a result of the uncertainty over his future and that of his family, as well as the inconvenience and emotional upset resulting from the flood.

Bertha Travers

39. Bertha Travers was evacuated from her home on the Little Saskatchewan Reserve in June, 2011. At the time of the flood, she was 62 years of age. Since the flood, she has resided in various temporary accommodations in Winnipeg with her daughter and grandchildren.
40. The Plaintiff's home was significantly damaged in the flood and it is unlikely that she will ever be able to live there again. The Plaintiff lost considerable personal belongings when she was evacuated with little or no notice.
41. The Plaintiff has returned to her home on several occasions since the flood, at her own expense, in order to attempt to clean and repair her home. Her personal property in her home has been destroyed or significantly damaged. The Plaintiff's vehicle has been damaged in the course of visiting her home due to the condition of the roads on Reserve following the flood.
42. The Plaintiff has suffered negative respiratory and other health effects as a result of the flooding and subsequent mold infestation in her home. She has also suffered significant emotional and psychological harm including, but not limited to, anxiety, depression, fear and anger.

Priscilla Anderson

43. Priscilla Anderson was evacuated from her home on the Little Saskatchewan Reserve in April, 2011. At the time of the evacuation, she was 40 years of age and occupied a six bedroom home on Reserve.
44. For the first six months following her evacuation, the Plaintiff resided with her son, three daughters and her one-year-old grandson in hotel rooms provided by the Defendants.

45. After considerable effort, the Plaintiff was able to obtain a two bedroom accommodation for her family of six. The Plaintiff has received confirmation that her home has been condemned and that she will never be able to return to her home.
46. Prior to the flood, the Plaintiff hosted many family gatherings at her home on Reserve, including Christmas festivities, Easter dinner and various family birthday parties. Her home was the gathering place for her family and extended family, which has been lost as a result of the flood.
47. The Plaintiff received virtually no notice of the need to evacuate and, as a result, was only able to take a small suitcase of clothing for her and her children as well as her bible. At the time of the evacuation, she was advised that she would be able to return in a month. The Plaintiff has visited her home since the flood at her own expense. Most of the Plaintiff's personal possessions have been destroyed either by flood waters or by mold. Some of her personal possessions have been stolen.
48. The Plaintiff has experienced a significant worsening of her health because of the flood and subsequent evacuation. Her weight has increased significantly and her arthritis and breathing difficulties have been considerably more difficult to manage in recent months.
49. The Plaintiff has experienced significant grief and upset as a result of the flood and her evacuation.
50. Following the evacuation, the Plaintiff attempted to register her children in school in Winnipeg, but registration was denied because the Plaintiff and her children did not have a permanent address and were living in a hotel. As a result, her children were unable to attend school.

Lillian Traverse

51. The Plaintiff, Lillian Traverse, was evacuated together with her four-year-old daughter, Ainsley, from their home on the Lake St. Martin Reserve in May, 2011. Since being evacuated, the Plaintiff has been forced to secure temporary accommodations in Winnipeg and does not know when she and her daughter will be able to return to their home, if ever. The Plaintiff has travelled at her own expense to her community to survey the damage and attempt to recover personal property. Unfortunately, her home and most, if not all, of her personal belongings were destroyed by the flood.
52. The Plaintiff has suffered significant emotional and psychological problems as a result of the flood and her evacuation including, but not limited to, anxiety, panic, fear, depression, considerable appetite disruption, anger, and mood dysregulation.

Mathew Traverse

53. The Plaintiff, Mathew Traverse, was evacuated from his home on the Lake St. Martin Reserve in May, 2011 together with his spouse, Heather, and their five daughters and one son. Prior to the flood, the Plaintiff worked as a commercial fisherman. The Plaintiff has not received full compensation for his lost commercial fishing wages.
54. Since January 2012, the Plaintiff has worked as a flood co-ordinator for the Lake St. Martin First Nation, and has more recently been working as a long-haul truck driver.
55. The Plaintiff's family home was destroyed by the flood along with virtually all of their personal property. It is unlikely that the Plaintiff will ever be able to return to live in his family home.
56. In order to manage his affairs and to assist with flood fighting efforts, the Plaintiff has made many trips to Lake St. Martin and surrounding communities at his own expense. He has suffered significant inconvenience, emotional and psychological upset as a result of the 2011

flood including, but not limited to, anxiety, fear, depression, overeating, anger and mood regulation problems.

Melloney Francois

57. The Plaintiff, Melloney Francois, was evacuated from her home on the Dauphin River Reserve in May, 2011 together with her husband, daughter and granddaughter. The Plaintiff has resided with her family in various temporary accommodations in Winnipeg.
58. The Plaintiff has made many trips to the Dauphin River Reserve at her own personal expense. The Plaintiff's home is contaminated with mold and has developed cracks as a result of the massive earth dike erected immediately adjacent to her home.
59. Further, the Plaintiff has experienced both physical and psychological injuries as a result of the flood including, but not limited to, anemia, anxiety, depression, eating difficulties and anger.

Mary Stagg

60. The Plaintiff, Mary Stagg, was 72 years old at the time she was evacuated from her home on the Dauphin River Reserve in April, 2011. Since then, she has resided in various temporary hotel accommodations in Winnipeg with family members, including small children. She has incurred additional living expenses that she would not have incurred were she allowed to reside in her home on Reserve and has since then had to rely on various forms of social and community-based assistance.
61. At the time of the evacuation, the Plaintiff was retired but owned and operated a camp ground, boat ramps and two docks as well as boat rentals. Although her home was not directly damaged in the flood, an eight foot dike was erected near to her home and the

Plaintiff lives in fear that the dike will not hold. As a result of the construction of a massive earth dike near to her home, the Plaintiff's boat ramps and docks have been destroyed. Her camp ground is inaccessible from the river and the trees on the camp ground have been destroyed. She has lost the income which she would have earned from the operation of these facilities.

62. Further, as a result of the erection of the massive earth dike near to her home, the Plaintiff's home has shifted causing damage to the interior of her house in addition to extensive dust and dirt which has migrated into her home. The dike continues to leak and the Plaintiff lives in fear that the dike will not hold.
63. The Plaintiff has returned to her home on several occasions since the flood at her own expense.
64. The Plaintiff is a diabetic. Since being evacuated, her conditions and symptoms have worsened. She has been unable to regulate her diet in the same way she was able to do so living on Reserve. She has suffered and will continue to suffer significant emotional and psychological problems as a result of being evacuated including, but not limited to, significant anxiety, panic, fear, depression, appetite disruption, anger, sleep disturbance and attention problems.

Norman Stagg

65. The Plaintiff, Norman Stagg, moved to Winnipeg in the Fall of 2010 with his mother in order to be close to doctors for his mother. The Plaintiff planned to return to the Dauphin River Reserve following her death and, in any event, by the Spring of 2011. As a result of the flooding caused by the Defendant, Manitoba, he was, and continues to be, unable to move back to the Reserve.

66. The Plaintiff was a commercial fisherman whose fishing income was significantly diminished as a result of the flood. The Plaintiff has received some, but not complete compensation for his commercial fishing losses.

67. In order to manage his business and personal affairs, including supervising his vacant home, the Plaintiff has made several trips to the Reserve at his own expense and has suffered damage to his vehicle in doing so. The Plaintiff has suffered increased hydro expenses despite not being able to live at his home.

68. The Plaintiff's mother passed away after she moved to Winnipeg from her home on the Dauphin River Reserve in the Fall of 2010. She was buried at the Lake St. Martin cemetery, rather than with her husband and other family members at the Dauphin River Cemetery because the community was inaccessible due to the flooding. The Plaintiff has suffered considerable emotional and psychological upset as a result of the flood and evacuation including, but not limited to, depression and anger.

DAMAGES

69. As a result of the negligence and breach of fiduciary duty by the Defendants, the Plaintiffs in the Pinaymootang (Fairford), Little Saskatchewan, Lake St. Martin and Dauphin River Classes have suffered significant damages including, but not limited to,

- a. damage and loss of personal property;
- b. loss of use and enjoyment of their lands, homes and personal property;
- c. loss of amenities of life and loss of community;
- d. mental, emotional, psychological damage and loss of enjoyment of life;
- e. loss of income and loss of competitive employment advantage;
- f. loss of future income; and,

g. out-of-pocket expenses including living expenses, transportation costs, storage costs, relocation costs, the full particulars of which will be delivered to the Defendants during the course of this lawsuit and prior to trial.

PUNITIVE DAMAGES

70. The Plaintiffs state that the conduct of the Defendants, their servants, employees or agents was wilful, arrogant, callous, high-handed and constituted a gross violation of the rights and interests of the Class Members. The Plaintiffs submit that this is an appropriate case for an award of punitive, exemplary and/or aggravated damages.

STATUTORY PROVISIONS

71. The Plaintiffs plead and rely upon the following provisions:

- a. *The Class Proceedings Act, supra*; and,
- b. *The Proceedings Against the Crown Act*, C.C.S.M. c. P140, sections 3, 4, 7, 10 and 14.

72. The Plaintiffs respectfully request that this action be tried in the Winnipeg Judicial Centre.

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Lawyers for the Plaintiffs

Clifford J. Anderson et al.
Plaintiffs

**vs. Attorney General for Canada and Manitoba Association of Native
Firefighters Inc.**

File No:

STATEMENT OF CLAIM

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